

1 ADVANCED DISABILITY ADVOCATES

2 Kevin Hong (SBN 299040)
3 3010 Wilshire Blvd. #516
4 Los Angeles, CA 90010
5 Telephone: (310) 926-2519
6 Facsimile: (310) 634-1258
7 adadvocates@gmail.com

8 Attorneys for Plaintiff
9 VICTORINO CASTILLO

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

VICTORINO CASTILLO,

Plaintiff,

vs.

EB FOODS MONTEBELLO
CORPORATION d/b/a TACOS DON
CHENTO; and DOES 1 through 10
inclusive,

Defendants.

Case No.: 2:17-cv-5888 GW (JCx)

**PLAINTIFF'S RESPONSE TO ORDER
TO SHOW CAUSE RE: DISMISSAL
FOR LACK OF PROSECUTION**

Case Filed: August 8, 2017

Plaintiff Victorino Castillo ("Plaintiff") hereby file his response to this Court's November 6, 2017 Order to Show Cause [ECF No. 9] "why this action should not be dismissed for lack of prosecution," and respectfully state as follows:

1 1. This case was filed on August 8, 2017. However, under circumstances out
2 of the control of Plaintiff, Plaintiff has been unable to serve the summons and complaint
3 package on Defendant EB FOODS MONTEBELLO CORPORATION d/b/a TACOS
4 DON CHENTO (“Defendant”).

5 2. Plaintiff sent work order forms to attorney service, Interstate Attorney
6 Service (“Interstate”) for proper, personal service of the summons and complaint package
7 on Defendant. Plaintiff provided the agent for service of process information of
8 Defendant as provided by the California Business Search under the California Secretary
9 of State website and the Statement of Information as to Defendant.

10 3. Interstate attempted to serve Defendants, however, Defendant’s agent for
11 service of process was no longer at the address provided by the California Secretary of
12 State and nobody was authorized to accept service at the site. A true and correct copy of
13 the Interstate work order is attached hereto as Exhibit “A” and incorporated herein by this
14 reference.

15 4. Plaintiff requested Interstate for the second time to serve Defendant at a
16 different address, the corporation’s business address as an alternative method of service
17 in order to satisfy his obligation to file a proof of service as soon as practicable.

18 5. Interstate is currently still in process of properly serving Defendant in a good
19 faith effort and diligence to properly serve Defendant. Plaintiff will also continue to
20 work diligently to ensure the Defendant is served as quickly as possible and believe that
21 Plaintiff will be in a position to file the proof of service within the next month.

22 WHEREFORE, Plaintiff respectfully requests that the Court refrain from
23 dismissing this action and allow Plaintiff to serve Defendant within 30 days from this
24 date.

25 Dated: November 20, 2017

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27 By: /s/ Kevin Hong
Kevin Hong, Esq.
28 Attorneys for Plaintiff